

OXFORD CITY COUNCIL

STANDARDS COMMITTEE

ASSESSMENT PANEL

Members:

**Chris Ballinger
Martin Gardner
Councillor Clark Brundin**

Thursday 13th August 2009

DECISION NOTICE - Councillor Bance – Case Reference 703/4/17

1. ALLEGATION AND FUNCTION OF PANEL

That Councillor Antonia Bance (a member of Oxford City Council) failed to comply with the Members' Code of Conduct. The function of the Assessment Panel is to decide if the allegations of breaches of the Members' Code of Conduct merit investigation.

2. DECISION

The Assessment Panel decided that the conduct complained of was of a type that may constitute a breach of the Code. The Panel decided, on the basis of the information before it (ie the details contained in the complaint), that the conduct was not sufficiently serious to warrant an investigation. However, the Panel decided that action should be taken in terms of asking the Monitoring Officer to advise all Group Leaders that conduct involving displays of intemperance or anger could leave members open to allegations that they had breached the Members' Code of Conduct. Depending upon the circumstances, formal investigations to establish whether there had been a breach, and the imposition of sanctions against members might result.

3. SUMMARY OF COMPLAINT

The complainants alleged that Councillor Bance had failed to comply with the Members' Code of Conduct, specifically in that she failed to treat

others with respect contrary to paragraph 3(1) of the Code; and that she had conducted herself in a manner such as to bring her office or authority into disrepute contrary to paragraph 5 of the Code. The allegations related to the standard of conduct said by the complainants to have been displayed by Councillor Bance at a private meeting between the complainants and herself in the Town Hall on 21st May 2009.

4. **REASONS FOR DECISION**

The Assessment Panel considered that paragraphs 3(1) and 5 of the Code were potentially engaged by the complaint in that at the time Councillor Bance was acting in her capacity as an elected member. On the evidence available the Panel did not consider that the conduct complained of was sufficiently serious to justify an investigation.

On paragraph 3(1) of the Code (failure to treat others with respect) the Panel considered that although the conduct, if displayed, was not edifying it was not, on the information available to the Panel, sufficiently serious to warrant an investigation into a breach of the Code, and possible sanction.

On paragraph 5 of the Code (bringing her office or authority into disrepute), given the Panel's conclusion on the allegation of a breach of paragraph 3(1), the Panel considered, on the evidence before it, that the conduct, if displayed, had not brought the office of councillor or the authority into disrepute.

The Panel was conscious that since assessments of complaints had become the responsibility of local authorities, the Council's Assessment Panels had considered a number of complaints concerning the conduct and demeanour of members at meetings with others. Whilst no such complaints had been passed for investigation, nevertheless the Panel asked that all Group Leaders be advised of the potential, depending upon the circumstances, for investigation of such conduct.

Signed *Chris Ballinger* **Date** 17th August 2009

Chris Ballinger
Chair of the Standards Committee Assessment Panel

Authority under which the decision is made

The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000 which now provides for the local assessment of complaints that members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of authority members and the requirements for dealing with this.

The regulations set out a framework for the operation of a locally based system for the assessment, referral and investigation of complaints of misconduct by members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committees) Regulations 2000, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 as amended.